

REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-12 are currently pending in the instant application. Claims 10-12 have been amended. Claims 1, 2, 4, 6 and 10-12 are independent. Reconsideration of the present application is earnestly solicited.

Reasons for Entry of Amendments

As discussed in greater detail hereinafter, Applicant respectfully submits that the rejections under 35 U.S.C. § 102 are improper. Accordingly, the finality of the Final Office Action mailed on January 27, 2005 should be withdrawn.

In accordance with the requirements of 37 CFR 1.116, Applicant respectfully requests entry and consideration of the foregoing amendments as they remove issues for appeal (claims are rewritten in independent format).

Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter. Specifically, claim 4 has been allowed and the subject matter of claims 8 and 9 has been indicated as being allowable if rewritten in independent format. Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicant has amended claims 10-12 to include allowable features

of claims 4 and 8 identified by the Examiner on page 7 of the Final Office Action. Accordingly, claims 10-12 should be allowed.

Drawings

Applicant appreciates the Examiner's indication of acceptance of the formal drawings filed on August 24, 2004.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 and 5 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Lee (U.S. Patent No. 5,546,134). Claims 10-12 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Christoff et al. (U.S. Patent No. 6,518,998). These rejections are respectfully traversed.

With respect to claims 1-3 and 5, Applicant respectfully submits that the Examiner's position with respect to claim limitations of claims 1 and 2 is improper. The Examiner has suggested that since claims 1 and 2 include apparently functional limitations, the limitation "correcting the video signals without lowering a SN ratio does not have to be met." The Examiner is respectfully requested to review section 2173.05(g) of the MPEP.

Specifically, the Examiner has acknowledged that Lee does not perform correction of the video signals without lowering a SN ratio. The Examiner has

suggested that since this limitation is functional in nature, this feature of claim 1 and 2 has not been accorded any patentable weight. Although claims 1 and 2 are directed at "apparatus" claims as suggested by the Examiner, the nature of the technology involved in the present application inherently requires functional language in order to accurately define the relative structural relationship of the component parts of the devices claimed and/or to properly define the "processes" that the processing devices are intended to accomplish.

Section 2173.05(g) of the Manual of Patent Examining Procedure (MPEP) states:

A functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients). ***There is nothing inherently wrong with defining some part of an invention in functional terms.*** Functional language does not, in and of itself, render a claim improper. In re Swinehart, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step. (Emphasis added)

As identified by the Examiner, Lee fails to teach or suggest all of the claimed limitations of claims 1 and 2. Accordingly, this rejection should be withdrawn.

In light of the foregoing amendments to claims 10-12, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot.

Accordingly, reconsideration and withdrawal of the claim rejections are respectfully requested. As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

Claim Rejections Under 35 U.S.C. § 103

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoshida et al. (U.S. Patent Publ. No. 2004/0165070) in view of Christoff et al. (U.S. Patent No. 6,518,998). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoshida et al. in view of Christoff et al., and further in view of Eino (U.S. Patent No. 6,120,435). These rejections are respectfully traversed.

As discussed in greater detail hereinabove, the Examiner has not accorded patentable weight to all of the limitations of the claimed invention. Although the Examiner has suggested that any "functional limitation" in an apparatus claim should not be accorded patentable weight, Applicant submits that these limitations must be considered by the Examiner in accordance with section 2173.05(g) of the MPEP. For example, the prior art of record does not teach or suggest each and every limitation of the claimed invention of claim 1, including the feature(s) of: "wherein said microcomputer obtains a correction value from the EEPROM according to the

determined brightness level of the image signals and outputs a command control signal to the image signal processing circuit for automatic correction processing of the image signals without lowering an SN ratio and before the image signals are converted into analog signals by the D/A converter.” Accordingly, all of the claims of the present application should be allowed.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

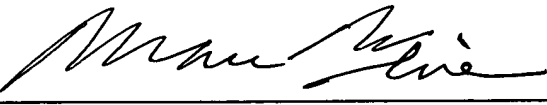
Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner’s Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner
Reg. No. 32,181


MSW/MTS/mmi

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000